

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (READING)**

<b>In Re:</b>	:	
	:	
<b>Albert Donald Schade, Jr.</b>	:	<b>: Chapter 13</b>
	:	<b>: Case No. 20-14378-PMM</b>
	:	
<b>Debtor,</b>	:	
	:	
	:	
	:	
U.S. Bank National Association, as Trustee	:	
of the Cabana Series III Trust	:	
	:	
Movant,	:	
v.	:	Hearing: December 8, 2020 at 10:00 a.m.
	:	Courtroom: 4 <sup>th</sup> Floor
Albert Donald Schade, Jr.	:	
	:	
Debtor,	:	
and	:	
	:	
Scott Waterman, Esquire	:	11 U.S.C. §362(d)(1&4) and §1301
Trustee,	:	
and	:	
	:	
Tracy L. Hoffman	:	
Party-in-Interest	:	
	:	
Respondents.	:	
	:	

**ORDER MODIFYING §362 AUTOMATIC STAY AND §1301 CODEBTOR STAY  
AND GRANTING IN REM RELIEF**

AND NOW, upon the Motion of PARKER McCAY P.A. Attorneys for U.S. Bank National Association, as Trustee of the Cabana Series III Trust (“Movant”) under Bankruptcy Code section 362(d) for relief from the automatic stay and section 1301 co-debtor stay and request for In Rem relief under 362(d)(4) as to certain real property as hereinafter set forth, and for cause shown;

**IT IS ORDERED:**

1. The automatic stay of 11 U.S. C. §362 and co-debtor stay of §1301 are hereby terminated as it applies to Movant, and Movant is also granted In Rem relief from stay under 362(d)(4) to permit Movant to institute or resume and prosecute to conclusion one or more action(s) in the court(s) of appropriate jurisdiction to foreclose mortgage(s) held by movant upon the following: ***83 Ridge Drive, Mohrsville, PA 19541***

2. Any future bankruptcy filings by Albert Donald Schade, Jr. or Tracy L. Hoffman and/or any other individual or entity claiming any interest of any kind whatsoever in the aforesaid property shall not operate to impose the automatic stay or co-debtor stay without further application to and express Order of this Court.

3. The movant shall serve this Order on the debtor, debtor's attorney, any Trustee and any other party who entered an appearance on the motion.

4. Albert Donald Schade, Jr. or Tracy L. Hoffman and/or any other individual or entity claiming any interest of any kind whatsoever in the aforesaid property shall be bound by this Order in any conversion of the instant bankruptcy case or in any subsequently filed bankruptcy case in any jurisdiction. Any future Automatic Stay or co-debtor stay issues relating to Movant's interest in ***83 Ridge Drive, Mohrsville, PA 19541*** shall be null and void and will not prevent the foreclosure by the Movant, or its Successor or Assignee's foreclosure from proceeding and from being valid in all respects, and Movant, or its Successor or Assignees shall not be required to obtain relief from any Automatic Stay or co-debtor stay that would otherwise be imposed by the filing of any subsequent case.

5. If this bankruptcy case is dismissed, this Order shall survive the dismissal of the case.

6. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.

7. Rule 4001(a)(3) is not applicable and Movant may immediately enforce and implement this Order.

8. The Notice and filing requirements of FRBP 3002.1(b & c) are no longer applicable to Movant's claim.

BY THE COURT



\_\_\_\_\_  
PATRICIA M. MAYER  
U.S. BANKRUPTCY JUDGE

Dated: **December 8, 2020**

Albert Donald Schade, Jr  
83 Ridge Drive  
Mohrsville, PA 19541  
DEBTOR – SERVED VIA REGULAR MAIL

Tracy L. Hoffman  
83 Ridge Drive  
Mohrsville, PA 19541  
PARTY IN INTEREST – SERVED VIA REGULAR MAIL

SCOTT F. WATERMAN  
Chapter 13 Trustee  
2901 St. Lawrence Ave., Suite 100  
Reading, PA 19606  
CHAPTER 13 TRUSTEE-SERVED ELECTRONICALLY

U.S. Trustee's Office  
200 Chestnut Street, Suite 502  
Philadelphia, PA 19106  
SERVED ELECTRONICALLY